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United States District Court  
for the  
District of Minnesota~~State of Minnesota~~  
~~Waseca County~~RECEIVED  
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Third District  
Case No. 19-2938Civil Action, CLERK  
U.S. DISTRICT COURT  
MINNEAPOLIS, MINNESOTA

Jury Trial Requested

Lisa A. Biron, + Rachael T. Biron  
Plaintiffs <sup>1</sup>

v.

Michael Carvajal  
~~Kathleen Hawk Sawyer~~, Director  
Federal Bureau of Prisons; ~~Former~~ Warden  
Nanette Barnes; Deanna Hiller, Unit  
Manager,  
Defendants <sup>2</sup> Warden Mistelle StarrFirst Amended  
COMPLAINT  
(Proposed)

Case No. 19-CV-2938-SRN-LIB

I. Plaintiffs and Jurisdiction  
prose, and Rachael T. Biron, prose,

1. The Plaintiff, <sup>S</sup> Lisa A. Biron, brings the within claims to redress the deprivation, under color of federal law, of rights secured by the United States Constitution. <sup>They</sup> ~~She~~ seeks declaratory and injunctive relief, and damages.

2 The Dist. of Minn. has removal jurisdiction over this action pursuant to 28 USC §§ 1441, 1442 & 1446, as well as original jurisdiction under 28 USC §§ 1331 and 1343(a)(3).

3. <sup>Ms.</sup> ~~Mr.~~ Biron is a federal inmate currently confined in the Federal Bureau of Prisons ("FBOP"), and presently housed at Federal Correctional Institution ("FCI"), Waseca, Minnesota.

4. Rachael Biron is Lisa Biron's daughter. She is 22 years old and resides in Virginia.

## II. Defendants

5. Defendant <sup>Michael Carvajal</sup> ~~Kathleen Hawk Sawyer~~ is the Director of the Federal Bureau of Prisons. <sup>He</sup> ~~She~~ is legally responsible for protecting the constitutional rights of all of its inmates.

6. <sup>Mistelle Starr</sup> ~~Nanette Barnes~~ is the Warden of FCI Waseca, MN. She is legally responsible for the operations of FCI Waseca, and for protecting the constitutional rights of all inmates housed there.

7. ~~Nanette Barnes was the Warden of FCI Waseca at all times relevant to the claims herein...~~

8. Deanna Hiller is the Unit Manager of D-Unit ~~and a correctional officer at FCI Waseca.~~

Michael Carvajal and Mistelle Starr

9. Defendants ~~Sawyer, Barnes, and Hiller~~ are sued in their official capacity.

10. Defendant ~~Nanette Barnes~~ is sued in her individual capacity.

11. Defendant ~~Deanna Hiller~~ is sued in her official and individual capacities.

At all times mentioned herein, each defendant acted under the color of federal law.

1 Lisa and Rachael Biron's motions to join Rachael as a plaintiff in this case remain pending. This (Proposed) First Amended Complaint assumes Rachael as a plaintiff.

2 Since this action was filed, Michael Carvajal has replaced Kathleen Hawk Sawyer as Director of the FBOP, and Mistelle Starr has replaced Nanette Barnes as Warden of FCI Waseca. A motion to substitute it was filed with this (Proposed) First Amended Complaint.

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### III. Claims

8.13. <sup>Lisa</sup> ~~Ms.~~ Biron is currently serving a federal sentence having been sentenced in the United States District Court for the District of New Hampshire and sentenced on May 23, 2013.

9.14. <sup>Lisa</sup> ~~Ms.~~ Biron's offenses of conviction involved her (then) teenage daughter who is considered the "victim."

10.15 The defendants have been restricting contact between <sup>mother</sup> ~~Ms. Biron~~ and her ~~daughter~~ - barring all contact and all communication (even via third-party) - since the beginning of her confinement without legal justification.

11.16 <sup>Lisa</sup> ~~Ms. Biron's daughter, Rachael Biron,~~ turned twenty one (21) years old on arrival at FCI Waseca (in February 2018) to contact/communicate with Rachael which <sup>Lisa</sup> ~~May 4, 2019.~~ the Defendants refused.

12.17. On or about October 24, 2019, Rachael <sup>(then 21 years old)</sup> ~~Biron~~ <sup>(former)</sup> mailed a letter to Warden

Nanette Barnes stating her desire to communicate with her mother, Ms. Biron. The letter was received on October 31, 2019.

13. ~~On or about November 1, 2019 Barnes advised Lisa Biron verbally that she would approve contact as long as no legal restrictions barred contact.~~ Warden Barnes and Hiller have told Ms. Biron in writing that Ms. Biron

19. On November 22, 2019, Def. Hiller paged Lisa to her office. Lisa believed that this was to finally approve contact with Rachael. But instead Hiller presented Lisa with a "Notification" signed by Defendant Barnes (on 11/20/19) that is presently set to expire in 2047.

intended to ~~bar~~ <sup>intend to</sup> bar this mother and daughter's contact for the entire term of Lisa's de facto life sentence.

20.29 The defendants violated <sup>Lisa's</sup> ~~Ms. Biron's~~ and Rachael's ~~Biron's~~ constitutional right to a familial relationship.

21.30 The defendants violated <sup>Lisa's</sup> ~~Ms. Biron's~~ and <sup>Rachael's</sup> ~~her daughter's~~ constitutional right to association.

22.31 The defendants violated <sup>Lisa's</sup> ~~Ms. Biron's~~ and Rachael's <sup>constitutional</sup> ~~Biron's~~ right to due process of law.

23.32 The defendants actions <sup>had</sup> ~~have~~ no rational relationship to any legitimate penological purpose.

37. Plaintiffs seek nominal, compensatory, and punitive damages against Defendants Hiller and Barnes in their individual capacities.

38. ~~Ms. Biron has no adequate or complete remedy at law to redress these unconstitutional actions. Ms. Biron and her daughter continue to be irreparably injured by the conduct of the defendants unless the Court grants declaratory and injunctive relief to ensure Defendants do not act again to bar mother and daughter's contact.~~ <sup>Plaintiffs have</sup> ~~because Defendants only granted contact when their fraud was exposed, and continue to~~ <sup>Thus, Plaintiffs seek</sup> ~~try to justify their actions by deception.~~

...  
ratory and injunctive relief to ensure Defendants do not act again to bar mother and daughter's contact.

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# IV Relief Sought

WHEREFORE, <sup>Plaintiffs</sup> ~~Ms. Biron~~ requests that the Court grant:

39. ~~19.~~ A declaration that the acts and omissions described herein violate the law and Constitution.
40. ~~20.~~ A preliminary and permanent injunction ordering the defendants to ~~stop~~ <sup>refrain from</sup> interfering with <sup>Lisa</sup> ~~Ms. Biron~~ and Rachael Biron's right to communicate with each other.
41. ~~21.~~ Nominal and Compensatory damages of \$10,000.00
42. Punitive damages of \$90,000.00 or the maximum allowed under the law.
43. ~~22.~~ A jury trial.
44. ~~23.~~ Plaintiffs' costs and fees in this suit.
45. ~~24.~~ Any additional relief that this Court deems just and equitable.

Respectfully submitted

current date  
11/15/19  
Date

added Rachael  
as plaintiff

Lisa Biron  
Lisa A. Biron #12775-049  
FCI Waseca  
P.O. Box 1731  
Waseca, MN 56093

## Verification

I, Lisa Biron, hereby swear, under penalty of perjury, that the matters and facts alleged in the foregoing Complaint are true and correct.

current date  
11/15/19  
Date

Lisa Biron  
Lisa Biron

## Certification

A copy of this First Amended Complaint was served on the Defendants by mailing said copy to Defendants' attorney AUSA Tweeten postage-paid on this date.

Date

Lisa Biron